

Overview of Recommended Changes

LC 49 Law Enforcement Arbitration

1. Add standard of review. As it stands, this bill is next to useless. The standard would be this: “a reasonable person, given the original evidence in the record, could come to the same conclusion as the municipality, even if the arbitrator disagrees with the findings. The limitation on changing findings shall apply to misconduct found in such cases even when that misconduct is not specifically about the force that was used.”

LC 78 Disclosure of Law Enforcement Discipline Actions

1. DPSST shall create a matrix for suspension or revocation of license and submit to the legislature by 1.1.21. The intention here is for the Attorney General to, once their investigation is completed, to submit their report to DPSST and for DPSST to take the appropriate disciplinary measures (suspension or revocation of license).
2. DPSST Shall also provide an annual accounting of all investigations and reports to be made freely available to the public.
3. If departments do not provide sufficient data and information for the annual reports, their funding may be suspended by the appropriate legislative body.
4. Add Allegations of Misconduct, proposed discipline by agency or city, and citizen complaints to the statewide database.
5. Require the department to submit all data to the appropriate national databases, existing or future.

LC 79 Attorney General Independent Investigation Authority for Use of Force

1. Require Attorney General to submit all reports to DPSST once they are completed.
2. Create a way for citizens to submit complaints as well without fear of retaliation.
3. Attorney General will use a “preponderance of evidence” standard when determining misconduct.
4. State Police and Individuals with a prior relationship to the officer should not be appointed as special investigators.
5. There should be a deadline for rules adoption, Jan 1 2021.

LC 80 Law Enforcement Duty to Report and Intervene

1. Add “duty to provide medical assistance” section consistent with NY SB6601-B:
“When a person is under arrest or otherwise in the custody of a police officer, peace officer or other law enforcement representative or entity, such officer, representative or entity shall have

a duty to provide attention to the medical and mental health needs of such person, and obtain assistance and treatment of such needs for such person, which are reasonable and provided in good faith under the circumstances. Any person who has not received such reasonable and good faith attention, assistance or treatment and who, as a result, suffers serious physical injury or significant exacerbation of an injury or condition shall have a cause of action against such officer, representative, and/or entity. In any such civil action, the court, in addition to awarding actual damages and costs, may award reasonable attorneys' fees to a successful plaintiff. The provisions of this section are in addition to, but shall not supersede, any other rights or remedies available in law or equity.”

LC 81 Limitation on Munitions Used to Control Assemblies

1. Add kinetic projectiles, other less-lethal projectiles, and other chemical weapons like pepper balls and pepper spray.

LC 83 Prohibition on Use of Chokeholds

1. make sure to ban holds that restrict bloodflow as well.
2. Should include language emphasizing de-escalation.

Use of Deadly Force

1. The Oregon Use of Deadly Force Statute MUST be changed. Something like “the officer may use deadly force to effect an arrest only if all other reasonable means of apprehension have been exhausted or are unavailable” that emphasizes non-violent approaches and de-escalation tactics.

Go to <https://olis.leg.state.or.us/liz/201911/Committees/J1SS/Overview> to access a livestream of this meeting. Locate the meeting date and click on the camera icon at the designated time.